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November 30, 2016

Via ECF

Honorable Judge Peggy Kuo
United States Magistrate Judge
Eastern District of New York
225 Camden Plaza East
Brooklyn, New York 11201

Re: Lamard Joye, Terrell Haskins, and Lateefah Joye v. City of New York, et al.
15- CV-5288 (SJ)(PK)

Your Honor:

I am a Senior Counsel in the Office of Zachary W. Carter, Corporation Counsel of the City of New York, and the attorney assigned to represent defendants City of New York, Police Officer ("Police Officer") PO Montemarano, PO Espinal, PO Saluzzi, and PO Lindie ("defendants") in the above-referenced matter. I write in accordance with Magistrate Judge Go's Order of October 28, 2016, to provide an update as to PO Montemarano's availability for a deposition. Briefly by way of background, discovery in this matter is closed but for the deposition of PO Montemarano, who has been out of line duty sick. (DE September 26, 2016) PO Montemarano had an appointment with the District Surgeon on November 28, 2016 where he was advised that he can return to work on December 5, 2016.¹

¹ PO Montemarano is only scheduled to work on 8 week-days during December due to a pre-existing vacation. Due to the undersigned's schedule, the only available days for a deposition in December are the 13th and 14th. A deposition could be held the first two weeks of January, except for the 4th.

Thank you for your consideration herein.

Respectfully submitted,

/s/

Melissa Wachs
Senior Counsel
Special Federal Litigation Division

cc:

Robert Marinelli, Esq. (By ECF)
Attorney for Plaintiffs